

FARMINGTON CITY COUNCIL MEETING

Tuesday, August 17, 2010

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor Scott Harbertson, Council Members Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Finance Director Keith Johnson, City Engineer Paul Hirst and Recording Secretary Cynthia DeCoursey. Council Member John Bilton was excused.

The work session began at 5:40 p.m., and **Sid Young** offered an opening prayer.

(Agenda Item #2) – APPROVAL OF MINUTES

There was a minor amendment to the minutes.

(Agenda Item #4) – PUBLIC HEARING: CONSIDERATION OF REQUEST TO AMEND “FARMINGTON CROSSING PUD MASTER PLAN” BY ALLOWING A “SPLASH PAD” WEST OF THE NORTHERN PHASE OF THE PROJECT

There was a brief discussion regarding parking, the type of fencing which will be used and several other issues related to this item.

(Agenda Item #5) – CONSIDERATION/REPORT OF PUBLIC COMMENT REGARDING PROPOSED WELL SITE AT SOUTH MAIN STREET ADJACENT TO COMMUNITY CENTER

Max Forbush referred to the minutes of a meeting with City Engineer **Paul Hirst**, City Water Superintendent **Larry Famuliner**, and four property owners to discuss details related to this project. He said the neighbors would rather not have a well in the proposed location, and they are concerned about issues such as the containment of necessary chemicals (fluoride and chlorine), the noise during construction, and locating another public facility along Main Street. The neighbors asked for some type of compensation, and free water for a year was mentioned as a possibility.

(Agenda Item #6) – CONSIDERATION OF FINAL PLAT APPROVAL FOR PHASE 4 OF THE FARMINGTON CROSSING PUD SUBDIVISION

This development has been broken down into smaller phases, but the number of units, the layout, and the overall design of the project has not changed, and this final plat is consistent with the overall master plan for the PUD.

(Agenda Item #7) – CONSIDERATION OF “PARK LANE VILLAGE” LETTER AGREEMENT

Richard Haws reviewed the points of a letter he sent to the City Council:

1. Station Parkway completion date
2. Stamped asphalt
3. DRC approval
4. UDOT approval for trail access
5. Culinary water in the City right of way
6. Paving of Richards Way
7. Final Parcel Map + CDS design
8. Trail budget

(Agenda Item #8) – SPRING CREEK PARK – REQUEST FOR ADDITIONAL BUDGET ALLOCATION

Mr. Forbush explained that \$35,000 was allocated for the Spring Creek Park; however, additional money is needed, and he would like to apply for funding through a Land and Water Conservation Grant Program. The grant requires at least a 50% match from the participant and can only be used to assist work not yet undertaken—retroactive costs will not be matched.

(Agenda Item #10) – REVIEW OF BLACK & MCDONALD PROPOSAL FOR CITY TO PURCHASE STREET LIGHTING FROM ROCKY MOUNTAIN POWER AND RELATED MATTERS

This proposal submitted by Black and McDonald was reviewed by the Council.

(Agenda Item #11) - MINUTE MOTION APPROVING SUMMARY ACTION LIST

- 11-1. Ratification of Approvals of Construction & Storm Water Bond Agreement
- 11-2. Ratification of Approval and signing of Bureau of Reclamation Encroachment Easement
- 11-3. Assigning to Personnel Committee the request to create new Sergeant positions in Police Department

Mayor Harbertson referred to a letter from Police Chief **Wayne Hansen** which explains his proposal for the reorganization of the Police Department since **Shane Whitaker** is no longer a Lieutenant with the City. He requested that **Parish Snyder** be moved to Lieutenant and that two officers become Sergeants.

(Agenda Item #12) – REVIEW OF PROPOSED COMCAST FRANCHISE AGREEMENT – 1ST READING

City Manager **Max Forbush** recommended that the City Council approve this item.

The work session ended at 7:05 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: *Mayor Scott Harbertson, Council Members, Rick Dutson, Cory Ritz, Jim Talbot and Sid Young, City Manager Max Forbush, Assistant City Planner Glenn Symes, City Finance Director Keith Johnson, City Engineer Paul Hirst, City Recorder Margy Lomax and Recording Secretary Cynthia DeCoursey. Council Member John Bilton was excused.*

Mayor Harbertson opened the meeting at 7:10 p.m. and welcomed those in attendance. **Jim Talbot** offered the invocation, and the Pledge of Allegiance was led by **Cory Ritz**.

APPROVAL OF MINUTES (Agenda Item #2)

Motion

Jim Talbot made a motion to approve the minutes of the City Council meeting held August 3, 2010 with the minor amendment discussed in the work session. **Rick Dutson** seconded the motion, and it was approved by Council Member **Cory Ritz**. **Sid Young** abstained because he did not attend the meeting.

PLANNING COMMISSION REPORT (Agenda Item #3)

Chairman Jim Young said the Commission recommended approval of a splash pad in the Farmington Crossing subdivision and approval for the final plat. A conditional use permit for a dance studio in a home located at 2214 Prairie View Drive was also approved.

(PUBLIC HEARING): CONSIDERATION OF REQUEST TO AMEND "FARMINGTON CROSSING PUD MASTER PLAN" BY ALLOWING "SPLASH PAD" WEST OF THE NORTHERN PHASE OF THE PROJECT (Agenda Item #4)

Background Information

Noel Ballsteadt, Sandy, said the splash pad is easier to maintain than a swimming pool, and it will be in operation during the summer months. The Davis County Health Department does not require dressing rooms, but they do not allow the water to be recycled. He pointed out that with a splash pad there is no chance of drowning, and the splash pad will enhance the neighborhood because of the number of small children in the area.

Public Hearing

Mayor Harbertson opened the public hearing at 7:20 p.m. There was no one from the public to speak regarding the item, and the public hearing was closed. The Council discussed restroom plans, the type of fence that would be installed, ongoing maintenance, chemical treatments, landscaping, parking and controlling usage of the splash pad.

Motion

Cory Ritz made a motion to approve the request for a splash pad west of the northern phase of the Farmington Crossing PUD. **Sid Young** seconded the motion, and it was unanimously approved.

CONSIDERATION/REPORT OF PUBLIC COMMENT REGARDING PROPOSED WELL SITE AT SOUTH MAIN STREET ADJACENT TO COMMUNITY CENTER (Agenda Item #5)

Mayor Harbertson explained that an additional well is necessary for the future culinary water needs of Farmington City. Several sites were considered, and staff recommended this site as the most favorable one.

Bradley Bornemeier, 54 South Main Street, said he lives near the proposed well site. He is concerned about the foundation of his home which was built in 1928. He questioned whether or not this location was the best site to drill a well and asked why the well could not be located closer to the pool where chemicals are already stored. Other concerns were vibration, noise, and the length of time the drilling is expected to continue.

City Engineer **Paul Hirst** addressed each of these issues and assured the neighbors that steps are being taken to lessen the impact to residents in the area. Following some discussion, the Council decided to wait and see what the actual impact is on the residents once the drilling begins.

Motion

Rick Dutson made a motion to uphold the Council's previous authorization to drill a well on South Main Street adjacent to the Community Center and to evaluate the situation with the neighbors once the drilling begins. The motion was seconded by **Jim Talbot**, and it was unanimously approved.

CONSIDERATION OF FINAL PLAT APPROVAL FOR PHASE 4 OF THE FARMINGTON CROSSING PUD SUBDIVISION (Agenda Item #6)

Glenn Symes said the Planning Commission reviewed this proposal at their August 11, 2010 meeting and recommended approval of the final plat.

Motion

Jim Talbot made a motion to approve the final plat for Phase 4 of the Farmington Crossing PUD subdivision. **Cory Ritz** seconded the motion, and it was unanimously approved.

CONSIDERATION OF "PARK LANE VILLAGE" LETTER AGREEMENT (Agenda Item #7)

Motion

Sid Young made a motion to approve the Park Lane Village Letter Agreement with the requirement that the City receives a letter from HUD stating that the project has been funded which will allow the City to measure when the impact fees should be due and payable. **Jim Talbot** seconded the motion, and it was unanimously approved.

**SPRING CREEK PARK – REQUEST FOR ADDITIONAL BUDGET ALLOCATION
(Agenda Item #8)****Motion**

Cory Ritz made a motion to approve the request to amend the Spring Creek Park budget from \$35,000 to \$58,000 and to authorize the City Manager to file an application for funding through the Land and Water Grant Program. **Rick Dutson** seconded the motion, and it was approved by all Council Members.

**REVIEW OF CRS ENGINEERING PROPOSAL TO LEASE UNIMPROVED SPACE AT
CITY HALL (Agenda Item #9)****Motion**

Rick Dutson made a motion to direct staff to conduct additional research regarding the market rate. If CRS' proposed rates fall within the current market rate parameters, City staff may prepare an agreement for final approval. **Cory Ritz** seconded the motion, and it was unanimously approved.

**REVIEW OF BLACK & MCDONALD PROPOSAL FOR CITY TO PURCHASE
STREET LIGHTING FROM ROCKY MOUNTAIN POWER AND RELATED
MATTERS (Agenda Item #10)**

Mr. Forbush explained that the City has had an agreement with Black & McDonald to maintain City-owned lights; however, a local vendor of LED lighting has proposed that the City upgrade to LED lighting. In recent years there have been requests to install decorative lighting under the sycamore and ash trees along State and Main. Black & McDonald have advised staff not to install LED lighting at the current time but allow additional time for the further development of technology regarding lighting. He explained that federal subsidies have resulted in higher costs for LED lights.

Motion

Sid Young made a motion to direct staff to conduct additional research regarding the street lighting and to evaluate the proposal further once the City audit is completed to determine cash balances of the City. **Cory Ritz** seconded the motion, and it was unanimously approved.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #11)

11-1 Ratification of Approvals of Construction & Storm Water Bond Agreements

11-2 Ratification of Approval and signing of Bureau of Reclamation Encroachment Easement

11-3 Assigning to Personnel Committee a request to create a new Sergeant position in Police Department

Following a brief discussion, the Council decided to schedule a meeting to review **Chief Hansen's** proposal in greater detail.

Motion

Jim Talbot made a motion to approve items 11-1 and 11-2 on the summary action list. The motion was seconded by **Sid Young**, and it was unanimously approved.

REVIEW OF PROPOSED COMCAST FRANCHISE AGREEMENT – 1ST READING (Agenda Item #12)

Mr. Forbush said this agreement has been negotiated and refined by **Lisa Romney** of the City Attorney's office.

Motion

Jim Talbot made a motion authorizing a public hearing to be scheduled on September 21, 2010 to consider adoption of the Franchise Agreement with Comcast and to include legal comment regarding the length of the agreement. The motion was seconded by **Rick Dutson**, and it was approved by Council Members **Ritz** and **Young**.

“DRAFT” RECOMMENDATION FOR IMPROVING LAND USE RELATED PUBLIC NOTICING PROCEDURES (PLANNING DEPARTMENT) (Agenda Item #13)

Glenn Symes' proposal is to include additional language in the ordinance which will include an option to expand the noticing area if necessary.

Motion

Jim Talbot made a motion to conceptually approve the recommendation by the Planning Department for improving public noticing procedures. The motion was seconded by **Rick Dutson** and approved by Council Members **Ritz** and **Young**.

PROPOSED CHANGES TO THE CANCELLATION POLICY OF THE COMMUNITY ARTS CENTER (Agenda Item #14)

Mayor Harbertson said the current policy states that a reservation may be cancelled up to seven days prior to a scheduled event with a fee of either \$50 or the amount of the deposit, whichever is less, to compensate the City for processing the cancellation and rescheduling the facilities. **Neil Miller**, Parks & Recreation Dept., said when an event is cancelled so close to the scheduled event, the City does not have sufficient time to book another event. He would like to change to the policy from seven to 30 days with a cancellation fee of either \$50 or the amount of the deposit, whichever is less. The Council discussed the suggested changes and determined that additional information was necessary.

Motion

Jim Talbot made a motion to table the request for changes to the cancellation policy of the Community Arts Center to allow staff time to provide additional information. **Rick Dutson** seconded the motion, and it was unanimously approved.

REVIEW OF FARMINGTON POND “NO SWIMMING” POLICY (Agenda Item #15)

Mayor Harbertson said the “no swimming” rule at the Farmington Pond is being violated, and the City’s policemen are called to the site 3-5 times per day. He said there is a large tree on the north side of the pond which has several large branches that extend over the pond. **Neil Miller** said his staff has spent many hours cutting down rope swings which are tied to the tree, and he suggested two options for dealing with the issue: (1) leave the “no swimming” signs and continue to have the police enforce it and cut down the rope swings; (2) remove the signs and allow people to swim at their own risk as well as continue to cut down the rope swings. He spoke with **Carl Parker** from URMMA who agreed with his staff that the best way to handle the situation was to remove the signs and continue to cut down the rope swings. The Council discussed various liability issues which may arise.

Motion

Rick Dutson made a motion to follow the recommendation made by URMMA and remove the “no swimming” signs. **Cory Ritz** seconded the motion, and it was approved by all members of the City Council present (Ritz, Dutson, Talbot and Young).

CITY MANAGER REPORT (Agenda Item #16)

- **Formal Announcement of Retirement**

Mr. Forbush read to the Council a formal announcement of his retirement. He and his wife plan to serve as missionaries for the Church of Jesus Christ of Latter-Day Saints, and he will retire from his City Manager position in October or early November of 2010. He expressed gratitude to the elected leaders and coworkers of Farmington City. He prepared a plan to assist the **Mayor** and the Council as they look for a replacement.

The **Mayor** expressed gratitude to **Mr. Forbush** for the opportunity to work with him and for the respect he has given to him and the Council. There was a brief discussion regarding the recruitment plan, and the Council decided to implement the plan immediately. A review committee will be appointed on September 7, 2010, and the time period for applications will be open for approximately five weeks—until October 1, 2010.

Motion

Jim Talbot made a motion to approve the proposed recruitment plan to hire a new City Manager. **Cory Ritz** seconded the motion, and it was unanimously approved.

There was a brief discussion regarding the current scope of authority and organizational structure as the position relates to the Mayor and City Council whether or not there need to be any changes.

Motion

Jim Talbot made a motion to proceed with the current scope of authority. **Rick Dutson** seconded the motion, and it was unanimously approved.

- **Change Order Proposal**

Mr. Forbush reviewed a budget update prepared by **Keith Johnson** and a change order proposal from Granite Mill. There are several map drawers which do not work—they are a few inches too short. The cost to rebuild them is \$1,318.00. **Mr. Forbush** said the architect reluctantly agreed to pay one third of the cost with the City and Granite Mill each paying one third. The **Mayor** and the Council determined that the City and the architect should split the cost 50-50.

Motion

Sid Young made a motion to approve a 50-50 split of the cost to rebuild the map drawers between the City and the architect. The motion was seconded by **Cory Ritz** and approved by all Council Members.

- **New City Hall Items Requested**

Mr. Forbush said several miscellaneous items are needed at a cost of \$1,145.15, and three rolling files need to be exchanged for slanted files at a cost of \$1,370.29.

Motion

Rick Dutson made a motion to approve the purchase of miscellaneous office items and to change three rolling files for slanted files. **Jim Talbot** seconded the motion, and it was unanimously approved.

MAYOR AND CITY COUNCIL REPORTS - (Agenda Item #17)

Mayor Harbertson

The **Mayor** mentioned the following items:

- He donated an 1892 Indian Head penny for the time capsule.
- A town hall meeting is scheduled for August 18, 2010 at 7:00 p.m. and will include a discussion regarding trails in Farmington.
- City Council attendance at the West Davis corridor open house was appreciated.
- The efforts of the Parks & Recreation Department for the City dinner were appreciated.
- **Mayor Harbertson, Sid Young, and Rick Dutson** attended the ribbon cutting ceremony at the new park in west Farmington.
- He asked **Mr. Forbush** to focus his last few weeks on providing information on the status of current and future City projects.
- He requested that **Glenn Symes** contact **Dharmesh** regarding the status of his proposed hotel.
- **Diane Keate and Rebecca Mann** would like to assist with the placement of art work in the new City building.
- The Planning Commission is not in favor of locating a trail across the **Merrill Law** property, and they suggested the possibility of locating the trail on other property owned by **Mr. Law**, but that is not feasible. He understands the need to provide something for the City if his flag lot is approved. He may be willing to donate all of the Farmington rock for the cemetery memorial. **Mr. Symes** pointed out that it is 1169 feet to walk around on the sidewalk which is less than a quarter of a mile. Following a brief discussion, the Council agreed that the donation of rock—for the cemetery memorial and possibly a bell tower—would be sufficient.
- The **Mayor** requested two City Council Members to join him at a meeting on August 31st or September 1st with **Max Forbush**, the City Attorney and the City Traffic Engineer to discuss several new options related to the swoop and the **Evans** family.

City Council

Cory Ritz

- “No parking” signs have been installed in front of the stake center located just south of the cemetery—does this include Sunday parking?
- A trail is under construction along the south edge of the Symphony Homes development—is it owned by Symphony Homes? It is approximately 1100 West to 1525 West, and there is a section of about 75 feet which needs to be retained.
- **Mr. Forbush** said he would check into these two issues

Rick Dutson

- He expressed gratitude to **Glenn Symes** for his efforts on utilizing the new equipment which provides visual aids for the Council.

Sid Young

- The City Council annual shooting contest will be held on August 25, 2010.
- Several issues discussed at the League of Cities and Towns meeting held August 16, 2010:
 1. The number of full service liquor licenses CenterCal would like to obtain.
 2. Water legislation--if the City loses shares due to non usage, the shares are converted from agricultural to municipal, and the large water operations have first rights to those shares.
 3. Impact fees are going to be reorganized.
 4. UTA is looking at different tax revenues and may pursue property tax as an option.

Jim Talbot

- The lights on the Clark Lane bridge overpass have been broken.

Mr. Forbush said he would check into the issues mentioned by the **Mayor** and the Council.

MISCELLANEOUS (Agenda Item #18)

- **UTA Agreement**

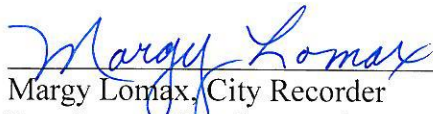
Motion

Rick Dutson made a motion to authorize the **Mayor** to sign a new UTA Agreement on the D&RG trail subject to an amended paragraph 13.2. **Cory Ritz** seconded the motion, and it was unanimously approved.

ADJOURNMENT

Motion

Rick Dutson made a motion to adjourn the meeting. The motion was seconded by **Jim Talbot**, and it was unanimously approved. The meeting was adjourned at 10:00 p.m.



Margy Lomax, City Recorder
Farmington City Corporation

